



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DELAWARE HARNESS RACING COMMISSION  
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## Minutes of the Meeting Held April 13, 2010

The Delaware Harness Racing Commission met for a meeting at  
Dover Downs, Dover, Delaware at 10:15 a.m.

### *Commission Members Present*

Beth Steele, Chairman	Larry Talley, Commissioner
Robert B. Brown, Commissioner	Patt Wagner, Commissioner
George P. Staats, Commissioner	

### *Others Present*

Andrew Kerber, Deputy Attorney General	Brian Manges, Investigator
Charles Lockhart, VP of Horse Racing, D. Downs	Scott Egger, Presiding Judge
John Hensley, Sr. Dir., Horse Racing, D. Downs	Paul Cain, Owner
Salvatore DiMario, Executive Director, DSOA	Jo-Ann Price, Paralegal
James Boese, General Manager, HRI	B.A. Davis, DHRC Licensing
Karen Craft, Facilities Manager, HRI	Jordan Rubin, Horseman
Judy Davis-Wilson, Executive Director, DSBF	Brian J. Manges, DHRC Chief Inspector
John Whiston, DVM	Raymond Flis, Horseman
Jim King, Jr., Horseman	Mike Baker, Horseman
Mark Davis, DDA	Stephani Ballard, Esq.
Ross Wolfenden, Horseman	Pedro Sanchez, Horseman
Terri Staats, Alternate Chief Inspector	Everett Bickling, Paddock Inspector
Bob Willard, DAG	Gil Shout, Del Pointe
Jack Ireland, Reporter, News Journal	Annie Renzetti, DHRC Chief Veterinarian

### CALL TO ORDER

Chairman Steele called the public session of the meeting to order at 10:21 AM and welcomed all in attendance.

### APPROVAL OF MINUTES

Commissioner Staats moved to approve the March 9, 2010 DHRC Minutes as written. Commissioner Talley seconded. The Motion passed unanimously.

### OLD BUSINESS

*Pedro Sanchez (DD-303-09, equine caffeine positive.)* This appeal was continued from the last DHRC meeting for its decision. The record was held open to consider additional evidence on chain of custody procedures. Mr. Willard explained his understanding is that Mr. Sanchez has a long history as a trainer with an excellent record. Previously, he had an instance that a

supplement for one of horses had caffeine in it and he took full responsibility. Also, caffeine can come into the horse's body in various ways. Mr. Sanchez maintains he does not know how the caffeine got into the horse; also the original penalty was too strong for the infraction; we recommend changing the penalty. The proposed agreement for the Commission's consideration:

As he was already suspended for several months, is that Mr. Sanchez will agree to a year's suspension beginning today, with a fine of \$3,000, (which was reduced from the original fine), and he will forfeit the purse. Next year, on April 13<sup>th</sup> he will receive a conditional license for one year. If during that year he commits a serious violation (meaning a \$3,000 penalty and suspension of 90 days) he would lose his license. If he stays clean for that entire year, he could be issued a full license like he had previously. Ms. Ballard said Mr. Willard has accurately stated the agreement and Mr. Sanchez has agreed to it. Commissioner Brown asked for clarification of what would happen after the first year. Mr. Willard replied that if he got caught, he would be treated like anyone else. Commissioner Talley made a motion to approve, Commissioner Brown seconded. The Motion passed unanimously. Once written, a final Decision and Order will be drafted and signed.

#### NEW BUSINESS

##### Approval of Officials for Harrington Raceway Meet

The Commissioners were given a list of names of officials for their review and approval. Commissioner Brown moved to approve the names as submitted, Commissioner Staats seconded, and the Motion passed unanimously.

##### Appeals:

Ross Wolfenden (DD-008-10) & Michael Baker (DD-008-10)

Mr. Willard suggested the cases be consolidated; the Commission and Messrs. Baker and Wolfenden, both appearing *pro se*, agreed. A court reporter was present and took verbatim testimony. Robert Willard, DAG, appeared for the judges. The appeal began at 10:26 AM. Mr. Egger was called as a witness for the State. At approximately 10:45 AM a brief recess was taken, due to the court reporter having technical difficulties; the appeal resumed at 10:55 AM. Mr. Kerber read the following rules: 7.6.15.2.2 and 7.6.15.2.4. Mr. Baker called Jimmy King, Jr. as an expert witness. The appeal went off the record at 11:15 AM for deliberations. After discussion, at 11:17 AM, Commissioner Staats made the Motion that there was interference, Mr. Wolfenden was in the passing lane prior to the end of the race, therefore, the judge's ruling and penalties should stand as were originally given. Commissioner Talley seconded, and the Motion passed unanimously. The hearing closed at 11:18 AM.

A short break was called; the meeting resumed at 11:29 AM.

Ray Flis (license application.)  
This appeal was continued to the May DHRC meeting.

Jordan Rubin (license application) Commission Counsel proposed an agreement re: charges as follows: a conditional license as a Trainer for one year,

with the condition that his license be automatically revoked in the event he receives a suspension of 10 days or more or a fine of \$1,000 or more, and if revoked during his conditional license period, he be deemed ineligible for five years. Mr. Rubin is amenable to a conditional license. He has been licensed in New Jersey for a number of years prior without any significant issues. Commissioner Brown motioned to accept the proposal for a conditional license, as long as he is carefully monitored, Commissioner Wagner seconded. Commissioner Staats had reservations, due to Rubins' prior record; also Commissioner Talley opposed. Chairman Steele voted no; therefore the Commission opposed his licensure 3-2. Mr. Rubin is therefore denied a license today, but is welcomed to reapply for licensure in Delaware one year from today.

#### REPORTS

Chief Veterinarian's Dr. Renzetti reported that things continue to go well; there were no significant issues this month. Harrington opens Sunday, they're ready to go.

Presiding Judge's Mr. Egger reported yesterday was the first draw for Harrington; the offices are being moved over now. All is going well.

#### PUBLIC COMMENT

Gaming Legislation As there are six-seven possible venues for gaming in the State under this legislation, Mr. DiMario

asked to clarify the record, as there is an erroneous assumption that DHRC has granted a license to Del Pointe. He claimed the *News Journal* continually misrepresents the facts. Mr. Kerber responded, reading the Conditional Agreement the DHRC signed in its entirety. In pertinent part, he stated per 3 Del Code §10023, it granted conditional approval of the *application for license* to conduct racing...the applicant must satisfy all requirements of §10023 at the time of final approval, with specific conditions to be satisfied prior to final approval of the license, including final blueprints for the tracks, specifications for its surface and blueprints and specifications of buildings and grand stand. Also, inspections and approvals would have to take place. Del Pointe applied and was given a conditional approval which allowed them to move along with their permits for land use areas, etc. Mr. DiMario and Mr. Boese continued to press for further clarification; Mr. Kerber offered that this is a matter of public record; anyone can have a copy, and yes, for the record, Del Pointe does not have a license. The Paralegal will distribute copies to anyone who requests them. Discussion ensued; Gil Short offered that whenever asked, Del Pointe has never said they have a conditional license and Jack Ireland from the *News Journal* said it was their legislative reporter who said Del Pointe had a license. Additional comments came from Mr.

Boese, Ms. Craft, etc.; Gil Short stated that this discussion was playing semantics for the purpose of pandering to the press, and that House Bill 194 should be referred to for its exact language.

#### ADJOURNMENT TO PUBLIC SESSION/ ADJOURNMENT TO EXECUTIVE SESSION

At 12:55 PM, having no further business, Chairman Steele moved to adjourn to public session and lunch; there will be no further public business conducted after lunch, at which time Executive Session will commence. Commissioner Brown seconded, and the Motion passed unanimously.

#### UPCOMING EVENTS

*Rules Committee:* May 4, 2010

*DHRC:* May 11, 2010

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